

REMARKS

The foregoing Amendment and the following Remarks are in response to the Office Action issued on June 15, 2005 in connection with the above-identified application, and are being filed within the three-month shortened statutory period set for responding to the Office Action.

Claims 1, 3, 4, 9, 10, 11, 13, 14, 19, and 20 remain pending in the present application. Claims 1 and 11 have been amended to recite additional subject matter. Applicants respectfully submit that no new matter has been added to the application by the Amendment. In particular, Applicants respectfully submit that “the clip being attached to the body in a fixed manner by each attaching member such that the clip is substantially immovable with respect to the body at each attaching member” as is now recited in claims 1 and 11 is disclosed in the application as filed at least in each of Figs. 1-4C.

The Examiner has rejected claims 1, 10, 11, and 20 under 35 USC § 102(b) as being anticipated by McCrorey (U.S. Patent No. 2,548,842). Applicants respectfully traverse the section 102(b) rejection at least insofar as it may be applied to the claims as amended.

Independent claim 1 recites a wheel-balancing weight for mounting to a wheel with a flange. The weight includes a weighted body and a clip securely attached thereto. The clip has a gripping section and the body has a gripping portion generally opposite the gripping section of the clip. The gripping section of the clip and the gripping portion of the body in combination define a compartment therebetween for receiving the flange therein when the weight is mounted thereto such that the gripping section of the clip and the gripping portion of the body are on opposite sides of the flange and grip the flange therebetween.

The weighted body has a number of apertures therethrough, and the clip has a like number of apertures therethrough such that each aperture in the clip corresponds to an aperture in the body. A like number of attaching members are provided, where each attaching member is inserted through a corresponding aperture of the clip and into a corresponding aperture of the body to secure the clip to the body. As amended, claim 1 recites that the clip is attached to the body in a fixed manner by each attaching member such that the clip is substantially immovable with respect to the body at each attaching member.

That is, the clip as attached to the body does not move with respect to the body in the area of attachment. However, such clip is not restricted from moving in areas away from such attachment, such as for example in the case where the clip is flexed with respect to the body in the course of the weight being attached to the flange. Note that in such example, the bulk of such flexing occurs away from the attachment, with more flexing typically occurring at areas of the clip farther from such attachment and less at areas closer to such attachment. Note, too, that even if a miniscule amount of flexing occurs in areas very close to the attachment, such miniscule amount of flexing is of such a minor nature as to still be able to characterize the clip as being substantially immovable with respect to the body at such attachment.

Claim 11 recites substantially the same subject matter as claim 1, albeit in the form of a vehicle with the wheel and the weight of claim 1.

The McCrorey reference discloses a wheel-balancing weight with a body and a clip, where the body and the clip in combination grip a mounted-to flange. However, and significantly, the McCrorey clip is hingedly attached to the body by an attaching member such that the clip is rotated into position to secure the weight to the flange, as is best shown in

Fig. 4 of such McCrorey reference. Thus, the McCrorey clip is not attached to the body in a fixed manner by the attaching member such that the clip is substantially immovable with respect to the body at the attaching member, as is required by claims 1 and 11.

As may be appreciated, by rotating the clip into position, the clip and body of the McCrorey weight must grip such flange based principally on the clip locking itself to the flange as such clip rotates over such flange, and not principally on any gripping effort that may be contributed by the body. Thus, the McCrorey weight is likely more susceptible to slipping with respect to the flange or even falling off such flange. Conceivably, in fact, a significant jolt to the weight such as for example may occur during the normal course of the wheel rolling down a poorly maintained thoroughfare could cause the clip to rotate back over the flange and allow the weight to fall off. In contrast, the clip and body of the weight of the present invention as recited in claims 1 and 11 requires gripping be achieved by effort from both the clip and the body. Thus, the weight of the present invention as recited in claims 1 and 11 is likely less susceptible to such slipping or falling off, even when experiencing the aforementioned jolt.

Thus, Applicants respectfully submit that the McCrorey reference cannot be applied to anticipate or even make obvious claims 1 and 11 and any claims depending therefrom, including claims 10 and 20. Accordingly, Applicants respectfully request reconsideration and withdrawal of the section 102(b) rejection.

The Examiner has rejected claims 9 and 19 under 35 USC § 103(a) as being obvious over the McCrorey reference, and has rejected claims 3, 4, 13, and 14 under 35 USC § 103(a) as being obvious over the McCrorey reference in view of Hume (U.S. Patent No. 2,036,757). Applicants respectfully traverse the section 103(a) rejections.

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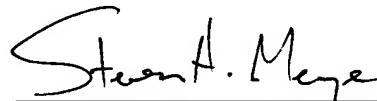
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Applicants respectfully submit that since claims 1 and 11 have been shown to be unanticipated and non-obvious, then so too must all claims depending therefrom be unanticipated and non-obvious, at least by their dependency. Accordingly, Applicants respectfully request reconsideration and withdrawal of the section 103(a) rejections.

In view of the foregoing, Applicants respectfully submit that the present application including claims 1, 3, 4, 9, 10, 11, 13, 14, 19, and 20 is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

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